UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,631	08/10/2001	Daniel L. Gleneck	46994/JEJ/X2/134042	7967

35114	7590	03/09/2005

ALCATEL INTERNETWORKING, INC.
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EXAMINER
FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 August 2001</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) <u>33-35</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>10 August 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/28/02, 10/31/02</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I.   **Claims 1-32**, drawn to using a first configuration file to configure a second

   gateway, classified in class 370, subclass 254.

   II.   **Claims 33-35**, drawn to dialing number plans, classified in class 379, subclass

   220.01.

The inventions are distinct, each from the other because of the following reasons:

2.   Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are

not disclosed as capable of use together and they have different modes of operation, different

functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different

inventions are not useable together per se since Invention I reflects a method for *configuring*

gateways (i.e., see claims 1 and 17) and Invention II (i.e., see claim 33) reflects a method for

dialing on a voice switching network. Hence Invention I concerns multiple gateways and

Invention II concerns a dialing plan that may or may not be found on a gateway type device such

that the inventions are not useable together. In addition, Invention I concerns a *plurality* of

gateways such that Invention I recites a distinction of more than one gateway. For arguments

sake (i.e., that the inventions may be related as disclosed but *distinct* as claimed), Invention II

could be implemented using only a single gateway such that the inventions could not be used

together. In addition, also for the sake of arguing, Invention II may or may not use the same

configuration file. The inventions also have different modes of operation and functions. In

particular, Invention I concerns configuration and Invention II concerns dialing. Thus invention

I concerns modifying "the commands" where invention II relates to dialing with "the

commands" where the commands are explicitly a dialing plan. In addition, Invention I have

different effects since Invention I stores "the commands" in a file. Invention II is silent or

deficient to storing commands such that they may not include a configuration file on a device.

3.   During a telephone conversation with Craig Hoersten (Reg. # 38917) on 03/02/2005 a

provisional election was made to prosecute the invention of group I, **claims 1-32**. Affirmation of

this election must be made by applicant in replying to this Office action. **Claims 33-35** are

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a

non-elected invention.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 1-14 and 17-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over

"Resource Manager Essentials Applications" (XP-002213889) to *Cisco* ("*Cisco I*") in view of

"Voice over IP for Cisco AS53000" (XP-002213890) to *Cisco* ("*Cisco II*").

As such to **claim 1**, *Cisco I* discloses configuring a first gateway using more or

more commands as part of Figure 2-6 on page 2-16 and Figure 2-9 on page 2-24 where

the multiple devices are gateways. Thus the further limitation of storing the

configuration for the first gateway into a file is taught when the file is stored in the

configuration archive. Modifying the file by modifying at least one of the commands is

further taught using e.g., NetConfig or Config Editor. *Cisco I* also further teaches the limitation configuring a second gateway using the file since the file is sent to multiple devices, emphasis plural. In particular, the reference implicitly teaches sending the first configuration file to a *second* device, see e.g., page 2-31 under "Benefits of Config Editor" which teaches "Use Config Editor to edit individual device configurations within Essentials and then download them back to *a* device" (i.e., any device and not necessarily *the* device).

Cisco I may be silent or deficient to the further limitation on a voice switching network. In particular, *Cisco I* appears to teach a general network.

Cisco II teaches the further recited limitation above at e.g., page 1.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Cisco I* by clarifying that a network device is e.g., a Cisco AS5300 which supports VoIP.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to support or carry voice traffic. In particular, *Cisco II* cures the above-cited deficiency by providing a motivation found at e.g., page 1. Second, there would be a reasonable expectation of success since both references are from Cisco. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claim 2**, see similar rejection to claim 1. In addition, the AS5300 is a VoIP gateway.

As to **claim 3**, see e.g., page 1 of *Cisco II* where the AS5300 supports H.323.

As to **claims 4-5**, *Cisco I* supports at least TFTP which supports both binary and ASC II files such that both types of files are supported for transfer, see e.g., page 2-22.

As to **claim 6**, see e.g., page 28 of *Cisco II* where the AS5300 supports dial plans which include associating a destination phone number and IP address. Thus an IP address is assigned to a gateway device.

As to **claim 7**, see similar rejection to claim 1. The AS5300 is a VoIP gateway. Also see e.g., Configuring VoIP peers on page 33 of *Cisco II*.

As to **claims 8-14**, see similar rejection to claim 1. In addition, a logical channel name could be the unique tag number. As such, the example taught on page 33 teaches setting up a "container" with associated phone groups and destination along with numbering plans.

As to **claim 17**, see similar rejection to claim 1. Examiner notes since the configuration file is retrieved and sent to a Cisco device, the Cisco device has memory for storing the configuration file.

As to **claim 18**, see similar rejection to claim 2.

As to **claim 19**, see similar rejection to claim 3.

As to **claim 20**, see similar rejection to claim 4.

As to **claim 21**, see similar rejection to claim 5.

As to **claim 22**, see similar rejection to claim 6.

As to **claim 23**, see similar rejection to claim 7.

As to **claim 24**, see similar rejection to claim 8.

As to **claim 25**, see similar rejection to claim 9.

As to **claim 26**, see similar rejection to claim 10.

As to **claim 27**, see similar rejection to claim 11.

As to **claim 28**, see similar rejection to claim 12.

As to **claim 29**, see similar rejection to claim 13.

As to **claim 30**, see similar rejection to claim 14.

6.   **Claims 15-16 and 31-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over

"Resource Manager Essentials Applications" (XP-002213889) to *Cisco* ("*Cisco I*") in view of

"Voice over IP for Cisco AS53000" (XP-002213890) to *Cisco* ("*Cisco II*") in further view of

"Service Provider Features for Voice over IP" (XP-002213891) to *Cisco* ("*Cisco III*").

As to **claims 15, 16, 31, and 32**, *Cisco I* and *Cisco II* may be silent or deficient to

the further limitation wherein the voice switching network comprises a central

registration device that contains routing information, and the commands comprise a

command for associating one or more phone groups of the gateways with the central

registration device.

Cisco III teaches the above limitation e.g., on page 34 with respect to a gatekeeper

as a central registration device. In particular, zone prefixes are used as is known in the

art to associate one or more phone groups of the gateways with the central registration

device.

The examiner proposes to modify *Cisco I* and *Cisco II* to further include a

gatekeeper that uses zone prefixes.

Thus examiner notes that it would have been obvious to one skilled in the art prior

to applicant's invention to include the above limitation at issue. In particular, one skilled

in the art would have been motivated to make the above modification to support H.323.

As such, both *Cisco II* and *Cisco III* support H.323 thus providing the above motivation.

In addition, examiner notes a reasonable expectation of success since all three references
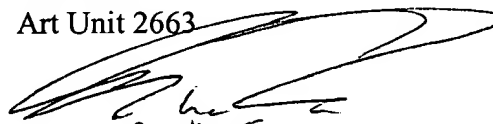
are from Cisco.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF